



# Town of Hopkinton Planning Department

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## HOPKINTON ZONING BOARD OF ADJUSTMENT NOTICE OF DECISION JANUARY 3, 2023

Notice is hereby given that the Hopkinton Zoning Board of Adjustment met on Tuesday, January 3, 2023, at 5:30 PM in the Hopkinton Town Hall, 330 Main Street, Hopkinton, and made the following decisions:

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**#2023-01 Accurate Transportation LLC** Variance from Zoning Ordinance 3.6.1(d) Use Regulations to operate a towing and recovery business that will include the construction of a commercial garage to house its business office and equipment. In addition, permission to temporarily store vehicles that it recovers. The property is on the corner of Bound Tree Road and Pine Street, shown on Tax Map 221, Lot 75.2, R-2/B-1 district.

Eric Buck moved to **APPROVE** Application #2023-01 with the following conditions:

- 1) The vehicles recovered by the business owner are the only vehicles to be stored at the property.
- 2) The maximum number of days for any individual vehicle to be stored at the property shall not exceed twenty (20) days.
- 3) The maximum number of tow/wrecker trucks to be stored at the property at any one time shall not exceed four (4) trucks at one time, and all trucks are to be stored inside the garage.
- 4) The hours of operation are to be 8:00 AM to 5:00 PM, Monday through Friday, except for emergencies such as but not limited to gathering tools and equipment for roadside assistance and returning to the site with vehicles in Town from such situations.

Andrew Locke seconded the motion. The motion passed unanimously (Locke, Buck, Scheinman, Cummings, and Rinden). The Applicant successfully addressed all criteria to be granted a Variance as outlined in Section XV of the Zoning Ordinance. The Board's decision was based on the following findings:

- 1) Property Values:
  - While abutters were notified, no abutters attended the meeting.
  - There was no evidence surrounding property values would diminish because of the light commercial business.
  - The property includes a small portion of the commercial district and abuts vacant and developed residential and undeveloped commercial properties.
  - Based on representations made and conditions imposed, the number of tow/wrecker trucks will be limited and stored within the building.
  - Based on representations made and conditions imposed, the time period for the temporary storage of any one vehicle is limited. Additionally, privacy fencing will buffer the use from residential properties.
- 2) Public Interest:

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Subject to review and approval.

- There was no evidence that the public's interest would be negatively affected.
  - While the property is zoned residential, a small portion of the commercial district transects the property. As a result, the property abuts a commercial district and undeveloped commercial property.
- 3) Substantial Justice:
- There is no justified gain to the public by restricting the property to residential use.
  - The property abuts I-89 along the entire rear, the commercial district, and vacant and developed residential properties.
  - Considering the neighborhood's current mixed residential and commercial uses, the proposed use will not adversely impact neighboring properties.
  - Granting the variance will allow the property to be reasonably used, resulting in substantial justice.
- 4) Spirit and Intent:
- The nature and character of the surrounding properties will not change as the section of Bound Tree Road in question has mixed residential and commercial uses.
  - The addition of light commercial activity with limitations on hours of operation and storage of vehicles will have a minimal visual impact on abutting properties.
  - Residential and light commercial activities currently co-exist along Bound Tree Road.
  - The lot is the only one in the area with the B-1 (commercial) and R-2 (residential) zoning district line running through it.
- 5) Unnecessary Hardship:
- The property is unique as it is the only property in the area with the B-1 (commercial) zoning district line through a small portion of the lot.
  - The property directly abuts I-89 and the commercial district.
  - The residential uses in the area are located across the intersection of Pine Street. The building will be accessible from Bound Tree Road.
  - Granting the variance will allow reasonable use of the property.
  - The use will not alter the essential characteristics of the neighborhood as the light commercial use will be consistent with other uses in the area.

Karen Robertson  
Planning Director

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Ordinance §15.10. "Representations made at the public hearing or material submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking, or uses which are subject to regulations pursuant to subsection 15.8.2 or 15.8.3 shall be deemed conditions upon such special exception or variance."